

ORDINANCE NUMBER 23-23

AN ORDINANCE OF THE CITY OF WESTFIELD AND WASHINGTON TOWNSHIP, HAMILTON COUNTY, INDIANA CONCERNING AN AMENDMENT TO SPRING MILL CENTRE PLANNED UNIT DEVELOPMENT and THE UNIFIED DEVELOPMENT ORDINANCE

This is an Ordinance (this “Ordinance”) to amend the Spring Mill Centre Planned Unit Development District that of Ordinance 19-28 (“Spring Mill Centre Ordinance”) and the Unified Development Ordinance of the City of Westfield and Washington Township, Hamilton County, Indiana (the "Unified Development Ordinance"), enacted by the City of Westfield pursuant to its authority under the laws of the State of Indiana, Ind. Code § 36-7-4 et seq., as amended;

WHEREAS, the City of Westfield, Indiana (the "City") and the Township of Washington, both of Hamilton County, Indiana are subject to the Unified Development Ordinance of the City of Westfield and Washington Township, Hamilton County, Indiana (the “UDO”);

WHEREAS, the Common Council of the City of Westfield, Hamilton County, Indiana (the “Common Council”) enacted the Spring Mill Centre Ordinance as Ordinance 19-28;

WHEREAS, the Westfield-Washington Township Advisory Plan Commission (“Commission”) considered a petition (**Petition No. 2310 - PUD - 9**) filed with the Commission requesting an amendment to the Unified Development Ordinance, and to the Zoning Map with regard to the entirety of the area covered by the Spring Mill Centre Ordinance;

WHEREAS, the Commission forwarded **Petition No. 2310 - PUD - 9** to the Common Council with a favorable recommendation (_____ in favor _____ against) in accordance with Indiana Code § 36-7-4-608, as required by Indiana Code § 36-7-4-1505;

WHEREAS, the Common Council is subject to the provisions of the Indiana Code §36-7-4-1507 and Indiana Code § 36-7-4-1512 concerning any action on this request; and

NOW, THEREFORE, BE IT ORDAINED by the Common Council of the City of Westfield, Hamilton County, Indiana, meeting in regular session, that the Spring Mill Centre Ordinance, the Unified Development Ordinance, and Zoning Map, are hereby amended as follows:

Section 1. Applicability of Ordinance.

- 1.1 Development of the Real Estate (as described on Exhibit A) shall be governed by (i) the provisions of this Ordinance and its exhibits, (ii) the Spring Mill Centre Ordinance except as revised, modified supplemented or expressly made inapplicable hereby; and (iii) the provisions of the Unified Development Ordinance, as amended and applicable to the Underlying Zoning District or a Planned Unit Development District, except as modified, revised, supplemented

- or expressly made inapplicable by this Ordinance.
- 1.2 Chapter (“Chapter”) and Article (“Article”) cross-references of this Ordinance shall hereafter refer to the section as specified and referenced in the Unified Development Ordinance.
- 1.3 All provisions and representations of the Unified Development Ordinance that conflict with the provisions of this Ordinance are hereby made inapplicable to the Real Estate and shall be superseded by the terms of this Ordinance.

Section 2. Development Standards. Section 8 of the Spring Mill Centre Ordinance (Ord. 19-28) shall apply to the development of the Real Estate, except as otherwise modified below.

- 2.1 Article 6.17 Sign Standards: Shall apply to all Subdistricts in the District except as modified below:
- a) Except as modified hereby, signage within all uses in all Subdistricts of the District shall be treated as a Non-Residential Center in accordance with 6.17(J).
 - b) Character Illustrations: The “Signage Character Illustrations” attached hereto as **Exhibit B** are hereby incorporated as a compilation of images to establish the character and quality of Monument (Center Only) and individual Monument Signs (hereinafter the “Ground Mounted Signs”) be constructed in the District. It is not the intent to limit the material and design shown in the Signage Character Illustrations Exhibit, but to establish a common design theme, including the application of a combination of materials required for Ground Mounted Signs within the District.
 - c) Sign Locations: Ground Mounted Signs shall be generally allowed in the approximate locations shown on **Exhibit C** hereto.
 - d) Monument Signs (Center Only) (UDO Article 6.17(J)(2) shall apply, however, the District shall be permitted:
 - (i) One (1) Monument Sign (Center Only) in accordance with Article 6.17(J)(2)(a)(iii) except that the maximum height shall be seventeen (17) feet, inclusive of Sign base and Sign cap features along State Road 32.

The use of individual signage panels on the Monument Signs(s) (Center Only) shall be available for any tenant or property owner within the District.

- e) Outlot Signage (UDO Article 6.17(J)(8)(b) shall apply, however, seven (7) individual Monument Signs shall be permitted. The individual Monument Signs shown shall be regulated by the standards in Article 6.17(H)(2), except that the maximum height shall be seven (7) feet, inclusive of Sign base and Sign cap features and a maximum width of twelve (12) feet. All individual Monument Signs shall have a Sign base and a Sign cap. Lots which have only

one user shall only be permitted to utilize a “Type A” sign. Lots which have multiple tenants may use a “Type B” sign which shall permit identification of more than one (1) tenant. Individual Monument Signs located along Spring Mill Road may be “Type B” signs if they serve more than one user. A user may only utilize Sign Area on one individual Monument Sign within the District. Fifty percent (50%) of the square footage of the Sign Area for individual outlot Monument Signs shall count against the user’s permitted Sign Area Allocation permitted in the UDO.

Section 3. **Severability.** If any term or provision of this ordinance is held to be illegal or unenforceable, the validity or enforceability of the remainder of this ordinance will not be affected.

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[SIGNATURE PAGE IMMEDIATELY FOLLOWS.]

ALL OF WHICH IS ORDAINED/RESOLVED THIS ____ DAY OF _____, 2023.

WESTFIELD CITY COUNCIL

Voting For

Voting Against

Abstain

Scott Frei

Scott Frei

Scott Frei

Jake Gilbert

Jake Gilbert

Jake Gilbert

Mike Johns

Mike Johns

Mike Johns

Victor McCarty

Victor McCarty

Victor McCarty

Troy Patton

Troy Patton

Troy Patton

Cindy L. Spoljaric

Cindy L. Spoljaric

Cindy L. Spoljaric

Scott Willis

Scott Willis

Scott Willis

ATTEST:

Cindy Gossard, Clerk Treasurer

I hereby certify that **ORDINANCE 23-23** was delivered to the Mayor of Westfield

on the _____ day of _____, 2023, at _____ m.

Cindy Gossard, Clerk-Treasurer

I hereby APPROVE **ORDINANCE 23-23**

this _____ day of _____, 2023.

J. Andrew Cook, Mayor

I hereby VETO **ORDINANCE 23-23**

this _____ day of _____, 2023.

J. Andrew Cook, Mayor

This document prepared by:

Russell L. Brown, Clark, Quinn, Moses, Scott & Grahn, LLP, 320 N. Meridian Street, Suite 1100, Indianapolis, Indiana 46204

I affirm, under the penalties for perjury, that I have taken reasonable care to redact each Social Security number in this document, unless required by law. Russell L. Brown

SCHEDULE OF EXHIBITS

- | | |
|-----------|---|
| Exhibit A | Real Estate (Legal Description) |
| Exhibit B | Signage Character Illustrations |
| Exhibit C | Approximate Locations of Ground Mounted Signs |

**EXHIBIT A
REAL ESTATE**

Lot 1, Blocks A, B, C, and Common Areas 1, 2, & 3, Spring Mill Centre Subdivision, per plat thereof recorded in Plat Cabinet 6, Slide 183 and as Instrument Number 2021078315 in the Office of the Recorder of Hamilton County, Indiana.

Block A of Spring Mill Centre Subdivision, Amendment Number 1, recorded May 25, 2022, in Plat Cabinet 6, Slide 262 (Instrument 2022026461) and further amended on January 10, 2023, recorded in Plat Cabinet 6, Slide 344 (Instrument 2023000911) of the Hamilton County Recorder's Office.

Lot 1 of Spring Mill Centre Subdivision, Amendment Number 1, recorded May 25, 2022, in Plat Cabinet 6, Slide 262 (Instrument 2022026461) of the Hamilton County Recorder's Office.

Lots 2 and 3 of Spring Mill Centre Subdivision, Amendment Number 1, recorded January 20, 2023, in Plat Cabinet 6, Slide 344 (Instrument 2023000911) of the Hamilton County Recorder's Office.

EXHIBIT B
SIGNAGE CHARACTER ILLUSTRATIONS

Signage Character Illustrations Exhibit A

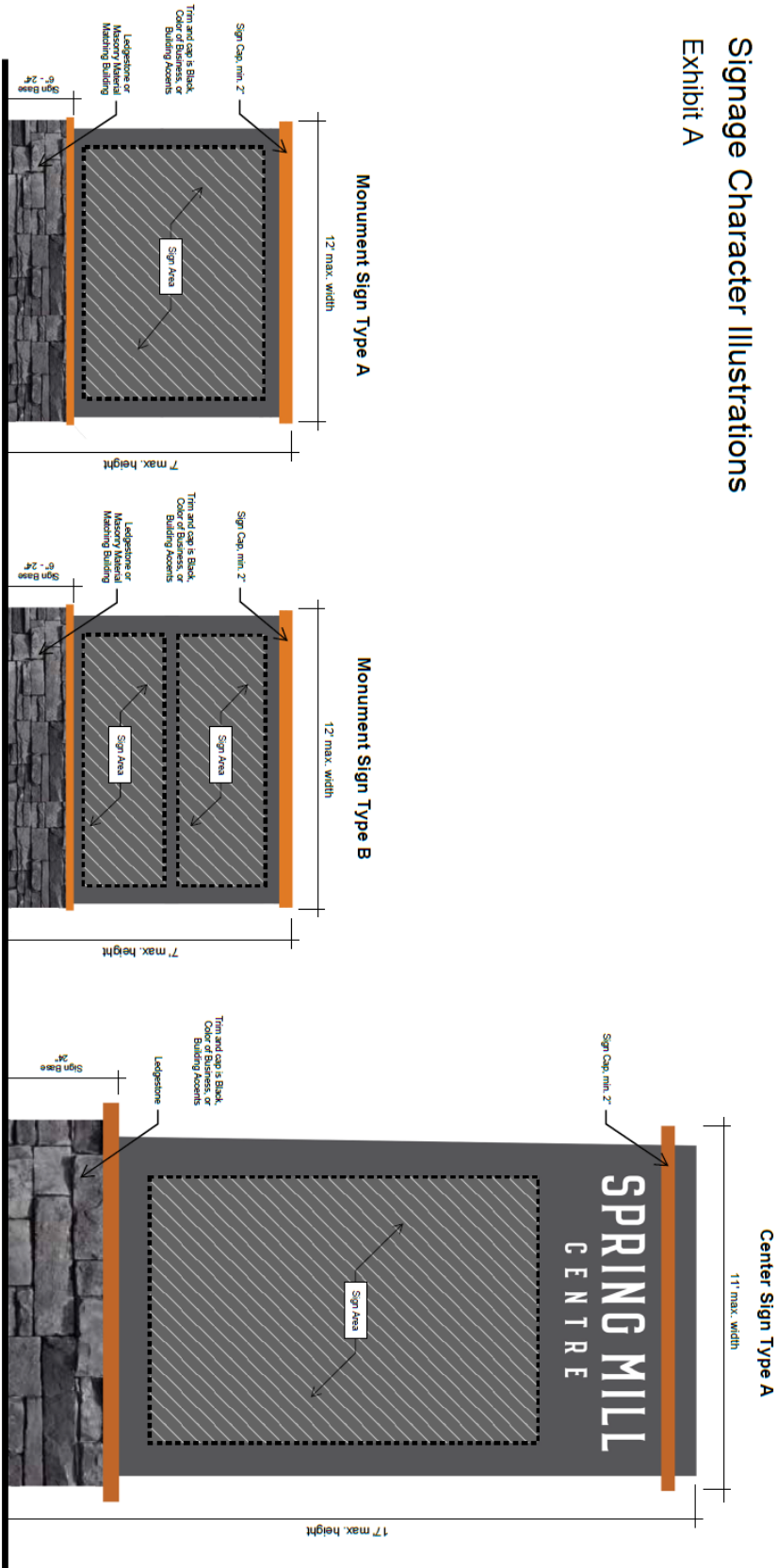


EXHIBIT C
APPROXIMATE LOCATIONS OF GROUND MOUNTED SIGNS

